



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

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Public Hearing Summary Document

March 13, 2006 at 6 PM

**URI Narragansett Bay Campus
Corless Auditorium**

1. Proposed implementation of river herring regulations in marine waters;
2. Tautog quota management proposals;
3. Striped Bass quota management proposals; and
4. Changes to mussel dredging and mussel minimum size regulations

The public has been afforded the opportunity to comment on the proposals contained in this document at the public hearing scheduled for Monday, March 13, 2006 (6 PM) at the URI Narragansett Bay Campus, Corless Auditorium or by submitting written comments to the Division of Fish and Wildlife, 3 Fort Wetherill Road, Jamestown, RI 02835 no later than 12:00 p.m. on March 13, 2006. Underlined and bold font indicates new language and crossed out font denotes existing language proposed for elimination.

1) Proposed implementation of river herring regulations in marine waters:

7.20 River Herring – No person shall land, catch, take, or attempt to catch or take any alewives, *Alosa pseudoharengus* or blueback herring *Alosa aestivalis*, from any marine waters of the State of Rhode Island. Possession of any alewife or blueback herring at any time is prohibited and shall be evidence that said herring was taken in violation of this section. RIMF REGULATIONS [Penalty – Part 3.3 (RIGL 30-3-3)]

2) Tautog quota management proposals:

Status Quo

7.9.2 Commercial --The total allowable harvest of tautog will be established annually, and will be that amount allocated to the State of Rhode Island by the Regional Fishery Management Council and/or the Atlantic States Marine Fisheries Commission. The quota may be harvested only by permitted gear types and licensed fishermen in accordance with all rules and regulations promulgated by the DEM and the RIGL Title 20. The quota shall only be available during the following seasons:

- (a) April 15 – May 31: 1/3 of the annual quota established in this part shall be available from April 15 through May 31, unless modified pursuant to this part. It shall be unlawful to possess aboard or land from a vessel, in any one**

calendar day, more than ten (10) tautog during this period. The aggregate number of tautog on any vessel, regardless of how many licensed fishermen are onboard, may not exceed the ten (10) fish limit per day.

- (b) August 1 – September 15: 1/3 of the annual quota established in this part shall be available from August 1 – September 15, unless modified pursuant to this part. It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than ten (10) tautog during this period. The aggregate number of tautog on any vessel, regardless of how many licensed fishermen are onboard, may not exceed the ten (10) fish limit per day.
- (c) October 15 – December 15: 1/3 of the annual quota established in this part shall be available from October 15 – December 15, unless modified pursuant to this part. It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than ten (10) tautog during this period. The aggregate number of tautog on any vessel, regardless of how many licensed fishermen are onboard, may not exceed the ten (10) fish limit per day.

Proposal

7.9.2 Commercial --The total allowable harvest of tautog will be established annually, and will be that amount allocated to the State of Rhode Island by the Regional Fishery Management Council and/or the Atlantic States Marine Fisheries Commission. The quota may be harvested only by permitted gear types and licensed fishermen in accordance with all rules and regulations promulgated by the DEM and the RIGL Title 20. The quota shall only be available during the following seasons:

- (a) April 15 – May 31: 1/3 of the annual quota established in this part shall be available from April 15 through May 31, unless modified pursuant to this part. It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than ten (10) tautog during this period. The aggregate number of tautog on any vessel, regardless of how many licensed fishermen are onboard, may not exceed the ten (10) fish limit per day.
- (b) ~~August 1 – September 15~~ July 15 – August 29: 1/3 of the annual quota established in this part shall be available from August 1 – September 15, unless modified pursuant to this part. It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than ten (10) tautog during this period. The aggregate number of tautog on any vessel, regardless of how many licensed fishermen are onboard, may not exceed the ten (10) fish limit per day.
- (c) October 15 – December 15: 1/3 of the annual quota established in this part shall be available from October 15 – December 15, unless modified pursuant to this part. It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than ten (10) tautog during this period. The aggregate number of tautog on any vessel, regardless of how many licensed fishermen are onboard, may not exceed the ten (10) fish limit per day.

3) Striped Bass quota management proposals:

Status Quo

12.3 Striped Bass Size/Possession Limits in the Commercial Striped Bass Fisheries -- Except as provided in Part 12.5, any person meeting the requirements of RIGL §§ 20-2-26, or 20-2-27, or 20-2-28.1, shall be allowed to take or possess, whether caught within the jurisdiction of this state or otherwise, striped bass which measure thirty four (34) inches or greater in total length. Except as provided for in Part 12.5 or 12.6, no person shall in any manner take and/or possess in Rhode Island more than the allowable limit established by the Rhode Island Marine Fisheries Council. When Fish and Wildlife has determined that the annual quota established by the Atlantic States Marine Fisheries Commission (ASMFC) has been filled, the commercial sale of striped bass will terminate and the season will be closed. A notice terminating the fishery will be provided to the local press, and a notice of the closure will be submitted to the Secretary of State to be effective upon filing.

The following seasons and possession limits are established for commercial striped bass fishermen:

January 1 – May 31	The commercial fishery will be CLOSED from January 1 through May 31, annually.
June 1 – August 31	Seventy-five percent (75%) of the commercial quota will be available from June 1 – August 31. The possession limit will be four (4) fish per license holder per calendar day. The fishery will close once seventy-five percent (75%) of the commercial quota is projected to be harvested if prior to August 31.
September 1– December 31	Twenty-five percent (25%) of the commercial quota will be available from September 1 through December 31. The possession limit will be three (3) fish per license holder per calendar day. The fishery will close when the entire commercial quota is projected to be harvested.

Proposal 1

12.3 Striped Bass Size/Possession Limits in the Commercial Striped Bass Fisheries -- Except as provided in Part 12.5, any person meeting the requirements of RIGL §§ 20-2-26, or 20-2-27, or 20-2-28.1, shall be allowed to take or possess, whether caught within the jurisdiction of this state or otherwise, striped bass which measure thirty four (34) inches or greater in total length. Except as provided for in Part 12.5 or 12.6, no person shall in any manner take and/or possess in Rhode Island more than the allowable limit established by the Rhode Island Marine Fisheries Council. When Fish and Wildlife has determined that the annual quota established by the Atlantic States Marine Fisheries Commission (ASMFC) has been filled, the commercial sale of striped bass will terminate and the season will be closed. A notice terminating the fishery will be provided to the local press, and a notice of the closure will be submitted to the Secretary of State to be effective upon filing.

The following seasons and possession limits are established for commercial striped bass fishermen:

January 1 – May 31	The commercial fishery will be CLOSED from January 1 through May 31, annually.
June 1 <u>June 10</u> – August 31	Seventy-five percent (75%) of the commercial quota will be available from June 1 – August 31. The possession limit will be four (4) fish per license holder per calendar day. The fishery will close once seventy-five percent (75%) of the commercial quota is projected to be harvested if prior to August 31.
September 1– December 31	Twenty-five percent (25%) of the commercial quota will be available from September 1 through December 31. The possession limit will be three (3) fish per license holder per calendar day. The fishery will close when the entire commercial quota is projected to be harvested.

Proposal 2

12.3 Striped Bass Size/Possession Limits in the Commercial Striped Bass Fisheries -- Except as provided in Part 12.5, any person meeting the requirements of RIGL §§ 20-2-26, or 20-2-27, or 20-2-28.1, shall be allowed to take or possess, whether caught within the jurisdiction of this state or otherwise, striped bass which measure thirty four (34) inches or greater in total length. Except as provided for in Part 12.5 or 12.6, no person shall in any manner take and/or possess in Rhode Island more than the allowable limit established by the Rhode Island Marine Fisheries Council. When Fish and Wildlife has determined that the annual quota established by the Atlantic States Marine Fisheries Commission (ASMFC) has been filled, the commercial sale of striped bass will terminate and the season will be closed. A notice terminating the fishery will be provided to the local press, and a notice of the closure will be submitted to the Secretary of State to be effective upon filing.

The following seasons and possession limits are established for commercial striped bass fishermen:

January 1 – May 31	The commercial fishery will be CLOSED from January 1 through May 31, annually.
June 1 <u>June 9</u> – August 31	Seventy-five percent (75%) of the commercial quota will be available from June 1 – August 31. The possession limit will be four (4) <u>three (3)</u> fish per license holder per calendar day <u>on Monday, Tuesday, Wednesday, and Thursday. The possession limit will be four (4) fish per license holder per calendar day on Friday, Saturday, and Sunday.</u> The fishery will close once seventy-five percent (75%) of the commercial quota is projected to be harvested if prior to August

	31.
September 1– December 31	Twenty-five percent (25%) of the commercial quota will be available from September 1 through December 31. The possession limit will be three (3) fish per license holder per calendar day. The fishery will close when the entire commercial quota is projected to be harvested.

4) Changes to mussel dredging and mussel minimum size regulations:

4.21 Minimum Size of Quahaugs, Soft-Shelled Clams, Mussels --

No person shall take or have in his custody or possession quahaugs of less than one inch (1") shell thickness (hinge width). For purposes of this regulation, hinge width is defined as the distance between the convex apex of the right shell and convex apex of the left shell. ref (20-6-11) (RIMF REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]

~~No person shall take and/or possess any soft-shelled clams or mussels of a diameter less than one and one half inches (1 1/2") taking the maximum shell diameter, for soft-shelled clams and mussels), unless greater minimum sizes are established by the Rhode Island Marine Fisheries Council. reference (a) No person shall take and/or possess any quahogs less than one inch (1") shell thickness (hinge width). In addition, no person shall take and/or possess soft shell clams, taken from the free and common soft shell clam fisheries, of a diameter less than one and one half inches (1 1/2") taking the maximum shell diameter, or any oysters, taken from the free and common oyster fisheries, measuring less than three inches (3") measured parallel to the long axis of the oyster, unless greater minimum sizes are established by the director, in consultation with the marine fisheries council. Any person who takes and/or possesses shellfish of less than the minimum size, as delineated above, upon conviction, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each and every fifteen (15) shellfish taken. Additionally, any person who takes and/or possesses shellfish of less than the minimum size commingled and/or otherwise stored or contained with shellfish of not less than the minimum size, where the percentage of the less than minimum size shellfish is not less than ten percent (10%) of the total piece count of the commingled and/or otherwise stored or contained package, shipment, or container, shall be subject to seizure and/or forfeiture of the entire commingled and/or otherwise stored or contained package, shipment, or container, in accordance with the provisions of §§ 20-1-8(e) and (f) and 20-1-8.1.~~

(b) Notwithstanding the provisions of subsection (a) above, the director of the department of environmental management is authorized to promulgate regulations establishing a special exemption permit that would exempt Department of Health licensed food processing facilities from the one inch (1") minimum size restriction governing bay quahogs. The exemption permit may only apply to frozen, packaged, cultured bay quahog products shipped into Rhode Island for redistribution outside of the state. The regulations shall prescribe the procedures to apply for the exemption permit and the standards to be employed by the director in his or her consideration of the application. The regulations shall prescribe rules governing the conduct and operation of the facility and may include restrictions on product forms, sizes, possession

requirements, and other provisions in order to maintain the protection of the quahog resource and enforcement of the provisions of this chapter. (RIGL 20-6-11).

7.1 Minimum Size of Quahaugs, Soft-Shell Clams, Mussels --

No person shall take or have in his custody or possession quahaugs of less than one inch (1") shell thickness (hinge width). For purposes of this regulation, hinge width is defined as the distance between the convex apex of the right shell and convex apex of the left shell. (ref 20-6-11) (RIMFC REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]

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(a) No person shall take and/or possess any quahogs less than one inch (1") shell thickness (hinge width). In addition, no person shall take and/or possess soft shell clams, taken from the free and common soft shell clam fisheries, of a diameter less than one and one half inches (1 1/2") taking the maximum shell diameter, or any oysters, taken from the free and common oyster fisheries, measuring less than three inches (3") measured parallel to the long axis of the oyster, unless greater minimum sizes are established by the director, in consultation with the marine fisheries council. Any person who takes and/or possesses shellfish of less than the minimum size, as delineated above, upon conviction, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each and every fifteen (15) shellfish taken. Additionally, any person who takes and/or possesses shellfish of less than the minimum size commingled and/or otherwise stored or contained with shellfish of not less than the minimum size, where the percentage of the less than minimum size shellfish is not less than ten percent (10%) of the total piece count of the commingled and/or otherwise stored or contained package, shipment, or container, shall be subject to seizure and/or forfeiture of the entire commingled and/or otherwise stored or contained package, shipment, or container, in accordance with the provisions of §§ 20-1-8(e) and (f) and 20-1-8.1.

(b) Notwithstanding the provisions of subsection (a) above, the director of the department of environmental management is authorized to promulgate regulations establishing a special exemption permit that would exempt Department of Health licensed food processing facilities from the one inch (1") minimum size restriction governing bay quahogs. The exemption permit may only apply to frozen, packaged, cultured bay quahog products shipped into Rhode Island for redistribution outside of the state. The regulations shall prescribe the procedures to apply for the exemption permit and the standards to be employed by the director in his or her consideration of the application. The regulations shall prescribe rules governing the conduct and operation of the facility and may include restrictions on product forms, sizes, possession requirements, and other provisions in order to maintain the protection of the quahog resource and enforcement of the provisions of this chapter. (RIGL 20-6-11).